

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT:	NANCE, S.	DOCKET NO.:	4248P2441
SERIAL NO.:	10/086,263	EXAMINER:	LIN, S.
FILED:	03/04/2002	ART UNIT:	2161
TITLE:	METHOD AND SYSTEM FOR LOCATING CELLULAR PHONE NUMBERS		

Mail Stop: Appeal Brief-Patents
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January 18, 2008

I hereby certify that on the 18th day of January 2008, this correspondence is being filed electronically on EFS-Web.

/Veronica-Adele R. Cao/
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Reg. No. 52,694

REPLY BRIEF

Dear Examiner Lin:

This Reply Brief is in response to the Examiner's Answer dated November 19, 2007.

REMARKS

Applicant's invention differs from Smith and Shaffer in that it includes compiling and making available to users a searchable database of cellular phone user names and cellular numbers from data provided by at least one cellular phone provider (Claims 1-23) or of wireless type phone numbers, which may include cellular numbers (22-23).

Smith fails to render obvious Applicant's claimed invention because it presupposes the existence of a publicly accessible, searchable database of cellular numbers and users. Furthermore, the Examiner concedes that the Smith reference does not explicitly address the type of telephone service, such as the use of cellular or wireless phones. *Examiner's Answer*, p. 3:16-17.

The Examiner also cites Smith at COL 2 lines 20-36, stating that Smith provides for access in an embodiment that is directly accessible from a phone. *Examiner's Answer*, p. 3:17-18. However, that portion of Smith refers to an LCD touch screen and makes no such mention of accessibility from a phone. Furthermore, although cellular or wireless type phone numbers were well known at the time of Smith, Smith does not teach, disclose, or suggest that the device may be used to locate such numbers.

Shaffer also fails to render obvious Applicant's claimed invention. Shaffer is directed to the correlation of data from various independent databases for use by an automated system to intelligently retrieve a wide variety of information relating to incoming phone calls. Although the system of Shaffer is sufficiently flexible to incorporate cellular phone numbers, Shaffer, like Smith, presupposes the existence of a publicly accessible, searchable database of cellular numbers and users in order to incorporate such data. Shaffer in no way teaches how such a database may be compiled from cellular service provider data and made publicly available, and therefore cannot render Applicant's claimed invention obvious. Even today, no such publicly accessible searchable database exists.

To the extent that Shaffer teaches that reports of changes to telephone numbers may be made available by Bellcore, Shaffer does not indicate that Bellcore provides any information relating to changes in cellular or wireless type numbers. Even if Shaffer is interpreted as suggesting that because such a service exists for non-cellular numbers, such a service could also exist for cellular or wireless type numbers (which interpretation Applicant contests), such an interpretation would again presuppose the existence of an accessible database of such numbers from which

changes may be detected and reported, and in no way enables the creation or publication of such a database.

The Examiner cites Shaffer COL 7, lines 43-46 to support the argument that Shaffer makes it clear that his system applies to cellular phones. *Examiner's Answer*, p. 4: 7-8. However, that portion of Shaffer is merely discussing the anatomy of a phone number. It merely explains that, unlike a land line, a cellular phone number's prefix has no specific geographic boundaries. This in no way establishes or even implies that Shaffer's invention comprises a database comprising cellular telephone numbers.

The Examiner also cites to Shaffer COL 38, lines 54-59 to support the argument that Shaffer teaches a virtual telephone number database that includes cellular and pager numbers. *Examiner's Answer*, p. 8: 15-17. However, this portion of Shaffer is again only providing information on how a telephone number is classified and how the type of service for the phone number is provided: e.g. POTS, cellular, pager, etc. This also fails to establish or even imply that Shaffer's invention comprises a database comprising cellular telephone numbers.

Even if combined, Smith and Shaffer fail to render obvious Applicant's claimed invention because Shaffer and Smith teach

inventions whose utility presupposes the existence of an accessible database relating to cellular telephone numbers. Although the Examiner asserts that it would be obvious to generate a directory of cellular numbers, each cited reference fails to demonstrate the existence of such a directory or to teach how such a directory may be compiled or published. Combining the references cannot overcome this failure.

Applicant notes that in light of the fact that traditional telephone directories and cellular and wireless type services are mature, well established and widely used technologies, the non-obviousness of Applicant's claimed invention is further supported by its novelty.

Applicant respectfully submits that the claimed invention provides a useful and non-obvious contribution to the art that deserves patent protection.

Therefore, the Examiner's rejections under 35 U.S.C. §103(a) in light of the Smith and Shaffer patents should be reversed.

For the reasons stated above, the Claims as amended by Applicant are in condition for allowance and the Examiner's rejection of Claims 1-23 was improperly made and not well founded. Hence, Applicant respectfully urges the Board to reverse the Examiner's findings.

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A Request for Oral Hearing is being filed concurrently herewith. Applicant believes the fee for a Request for Oral Hearing to be \$515. However, Applicant paid the fee for Request for Oral Hearing on March 31, 2006 (then \$500). In a telephone conference with Examiner Lin on January 16, 2008, undersigned counsel was informed that the previous payment would suffice. In the event any additional fee is required, please charge that fee or extension of time requested to our Deposit Account 23-0830.

Respectfully submitted,

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